

FARMINGTON CITY
PLANNING COMMISSION MEETING
September 21, 2017

STUDY SESSION

***Present:** Vice Chair Alex Leeman, Commissioners Connie Deianni, Kent Hinckley, and Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Also in attendance were Randy Rigby and Joe Kennard with Forza Terra, LLC., Chris Cave with Reeve & Assoc., and Taylor Spendlove with Brighton Homes. Planning Commission Chair Heather Barnum and Commissioner Bret Gallacher were excused.*

Mountain View PUD Subdivision Discussion

Eric Anderson said the Planning Commission had concerns regarding the open space, the layout of the subdivision and the density of the proposed Mountain View PUD Subdivision during the September 7th meeting when the rezone, schematic and preliminary PUD master plan application was before the commission. Staff felt it would be beneficial for the applicant to go over some of the changes they have made to their schematic plan and some of the issues the developers are facing moving forward with the project. **David Petersen** said the applicants have met with adjacent property owners, so some of the development's layout is a result of those conversations with the property owners.

Randy Rigby said he and Joe Kennard are Farmington City residents and are principles in Forza Terra, LLC., as well as Shane Smoot. Mr. Smoot is currently out of the country serving a mission for the LDS Church. He said they have had Reeve & Associates assisting in the project from day one, and have contracted with Brighton Homes to build the homes in their development. **Randy Rigby** said this land is very near to his heart because his great-grandparents settled and farmed this land. He said he was born and raised in Farmington, so he recognizes what it takes to make a great project. He said he has obtained additional land from UDOT, in addition to his family's property, and has met Shane Smoot in the process. **Randy Rigby** said it is their goal to create something harmonious with the community and surrounding neighbors so it can be a win for everyone.

Randy Rigby said they have sat down with every surrounding property owner to find out their needs with their properties and to let them know they want to be good neighbors. He said it is very important to them and the surrounding property owners that residential homes go into this property. **Randy Rigby** said they could not meet their economic needs for what they needed to pay for the land within the requirements of the AE zone, so they are looking at other design options to still make single-family residential work in this area.

Taylor Spendlove said they plan to have road dedication up to the property lines of abutting property owners. He said doing so would allow neighbors the opportunity to subdivide in the future, and still be able to tie into the road.

Alex Leeman said he appreciates the changes he is seeing in the revised layout, but said he still has a difficult time entertaining open space in exchange for higher density knowing that the open space would eventually be given up or that there could be long roads into a development without any houses on it. He said he has a hard time justifying the lot size and density in exchange for open space that will

be pre-determined to be given up. **Chris Cave** said in the open space strips, there will be a detention basin dedicated to the City, or that there will be some kind of access easement across the parcel. If surrounding property owners decide to subdivide their property and request access across the easement, the property owner could purchase open space to transfer to another location within the City, rearrange their parcels, or relocate the open space. He also pointed out that in the previous plans, there was one open space parcel located in the far corner of the subdivision. He said that open space parcel has now been moved to the center of the project; it will be the first things seen when entering the subdivision and will have a trail access as part of it.

Alex Leeman asked if there is a way to ensure a property owner would have to shift open space to a future development. **Eric Anderson** said yes, if the applicant came in and wanted to do a Phase II. **Alex Leeman** asked there is a way to require surrounding property owners to shift the open space in the event the applicant did not want to do a Phase II. **Taylor Spendlove** said there could be legal language on the easement placed over the open space that stated the open space would have to be transferred or replaced. **Eric Anderson** said if an adjacent property owner wanted to come in and do a separate subdivision, and there was no impact to this subdivision, the open space would remain. **Eric Anderson** said that the adjacent property owner would have to figure out access through some other means. **Alex Leeman** said he feels it would be logical for a property owner to want to access the proposed roads of this subdivision, but there is no way to guarantee it.

Eric Anderson asked **Alex Leeman** if he feels Parcels B & D should be removed, and a waiver of open space be done for those parcels. **Alex Leeman** said he does not know the solution. He said he does not want to count on those parcels remaining as open space because he feels that would defeat the purpose if the hope is that the open space will someday be removed by a future property owner. He said he also does not want to see a strange road into a development because a property owner does not want to “play along” by transferring the open space to another location. **Kent Hinckley** said he does not see why the Planning Commission would not want to include legal wording on the plat that says if the open space is changed in any way, certain things must take place to mitigate it. **Alex Leeman** agreed, but added that it is not a guarantee. He said if a property owner does not want that open space, then the commission could not require it. **Kent Hinckley** said he feels those decisions should be made by a future Planning Commission. He said he feels it is the Commission’s role to review this item only. He feels it is impossible to control what someone else may think about it down the road. **Chris Cave** said they have also provided a round-about at the end of the long dead-end for fire truck and trail access.

Rebecca Wayment said she missed the previous meeting so this is the first time she is seeing the plans. She said she is not a fan of big houses on tiny lots. She asked if it would be similar to the Kestrel Bay development. **Taylor Spendlove** said yes, but the Kestrel Bay lots are smaller. He said those lots are 55’ wide, which do not allow for a 3rd car garage. He said the proposed lots are 62’ wide to allow for a 3rd car garage. **Rebecca Wayment** said she echoes the previous concerns that have been expressed by fellow commissioners. She said people in west Farmington like their land. She said she feels the City is seeing higher density single-family residential subdivisions come in. She said she feels it detracts from the farmland and the open space. **Randy Rigby** said they have talked with neighbors and many are accepting of what they are doing because they do not want to see apartments come in. He feels this is a good transitional piece between the apartments and the farmland. **Alex Leeman** also pointed out that he does not feel this area along Legacy Highway will ever have large estate homes. **Rebecca Wayment** pointed out that Miller Meadows was along Legacy, and it did very well. **Randy Rigby** said he feels Miller Meadows did well for the larger homes because basements were available. He said this property has a higher water table so basements are not possible. He feels that will make the difference between the two projects.

Rebecca Wayment said she also has concerns about how this development may make it challenging for others to develop their property in the future, how there could be challenges regarding access points in the development, playing the game of transferring open space, and more. **Alex Leeman** said he feels having a master plan for the area would be beneficial. **Eric Anderson** said to remember the first developer in often casts the die for the neighbors as they stub streets to the edge of their property. **Taylor Spendlove** said the challenge with the road is that it is so wide that it can only be along one side or the other, but there will always be a remnant parcel. He said even with larger lots, the roads would still remain the same. He said they are having a difficult time determining how to allow property owners a tie in to the road when they have too much space for the road in the first place.

Alex Leeman asked if a detention basin is typically counted as open space. **David Petersen** said almost always a detention basin is counted toward the open space requirement. He also pointed out that if a detention basin ever goes away, the City Engineer would be triggered because they would have to immediately determine where to contain storm water. He said that is an immediate trigger to review the developer's open space requirements and if there needs to be changes to ensure open space requirements are still met.

Taylor Spendlove asked the Commission how they felt about the project's density. **Rebecca Wayment** said she is in favor of density bonuses where they make sense; however, she does not like tying a density bonus to open space that a future property owner may have to deal with to make it work for them. She also does not like to see random pockets of open space that could later become large weed patches and that look like undeveloped parcels of land. She said she is in favor of preserving the larger lot sizes in lieu of that kind of open space. She said she currently does not see how the open space that is being proposed will remain open space long term. She said she does not like the idea of approving homes packed into a small space only to later lose or transfer out the open space for the area.

REGULAR SESSION

***Present:** Vice Chair Alex Leeman, Commissioners Connie Deianni, Kent Hinckley, and Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Chair Heather Barnum and Commissioner Bret Gallacher were excused.*

Item #1. Minutes

Kent Hinckley made a motion to approve the Minutes from the September 7, 2017 Planning Commission meeting. **Connie Deianni** seconded the motion, which was unanimously approved.

Item #2. City Council Report

Eric Anderson gave a report from the September 19, 2017 City Council meeting. He said there was a group of citizens from west Farmington that presented to the Council regarding the West Davis Corridor, as well as a few Summary Action Items approved amending the Ordinance. **Alex Leeman** asked what the citizens presented on, and if they were asking for an action. **Eric Anderson** said UDOT announced a provision for landscaping with the proposed WDC, which makes up .075% of the total budget. He said the citizens were expressing concern that the amount allocated for landscaping is

extremely low, and they feel it too little to not help beautify the freeway. He said the citizens were interested in ways to increase the landscaping budget amount.

CONDITIONAL USE PERMIT

Item #3. Eric Malmberg – Andersen Wahlen and Assoc. / Goldenwest Credit Union (Public Hearing) – Applicant is requesting conditional use permit approval of the proposed Goldenwest Credit Union branch on .89 acres of property located at 698 N. Lagoon Drive in a CMU (Commercial Mixed Use) zone. (C-12-17)

David Petersen said the proposed site is positioned adjacent to the Hampton Inn and is a standard conditional use permit request. He said the site's drive-up windows will be located in the back of the building. He said staff is recommending approval of this item; however, there is one area of disagreement between the applicant and staff. **David Petersen** said staff thought it would be appropriate to have a secondary access point between the Hampton Inn and Goldenwest Credit Union (GWCU). He said there could be a cross parking easement between the two sides, and that it would make sense for connectivity. He said it can be frustrating for drivers to accidentally turn into a parking lot and have to turn back out if there is no connection to an adjacent parking lot. **David Petersen** also added that GWCU will most likely replicate the Hampton Inn sign in size and style, and that will meet the requirements found in the sign ordinance.

Alex Leeman asked if the City still requires buildings to be brought to the curb. **David Petersen** said bringing buildings to the curb is not a requirement in the CMU zone. **Rebecca Wayment** asked how the City was able to request the nearby doctor's office be brought to the curb. **Eric Anderson** said that the CMU zone does not require that buildings be brought to the street, and that the doctor's office fronts Bourne Circle and is set back with parking in the front. He also brought up Ascent, who brought their building to the street, but they did that of their own volition.

Alex Leeman asked for an update on the small home located just east of the Hampton Inn. **David Petersen** said the property owner did not want to sell to the Hampton Inn or to Ascent; there have been no changes with that property.

Eric Malmberg, 434 Old Fort Rd., said he is the consulting engineer on the project, and he has been asked to speak on behalf of GWCU. He said GWCU is looking forward to being part of the community. He said he would like to explain why they do not concur with the recommendation provided by staff to have an access point between Hampton Inn and the credit union. He said staff is recommending the point of access between the two properties on the southwest corner of the project. He said the first reason why they do not concur is the point of access will not improve vehicular circulation. He said there is a dedicated access to provide hotel patrons access to the north. He said the second point is overflow parking is very discouraged by the credit union; they feel providing a second access point invites and encourages overflow parking into the credit union's dedicated parking. He said the hotel's VIP parking is located on the south side of the hotel; having an access to the credit union's parking would then open up the south side of their building for what could be viewed as more prime location parking. He said members and employees need access to frontage parking during regular business hours. He said after hours parking in front of the credit union provides a security risk to the credit union, but that the GWCU representative would further expound on the security risk the access point increases. He said the third reason why they do not concur with staff on the additional access point is that safety to the public is compromised. He reviewed the Ordinance, which states that vehicular traffic aisles should provide easy access and safe pedestrian crossings, and that they should be designed to maximize safety. They feel the second access point would be for convenience; however,

convenience should never trump safety. They feel if the second access point was provided, it would allow vehicle circulation to move through the credit union's site, which would impede or disrupt the members of the credit union, as well as pedestrian traffic at the hotel.

Rich Evans, 5020 S. Adams Ave., Ogden, said he is a representative from Goldenwest Credit Union, and is excited to be part of Farmington. He said he agreed with Eric Malmberg's comments, but also wanted to highlight a few of those concerns regarding the second point of access between the credit union and the hotel. He said there is a significant concern regarding vehicle traffic in front of the entrance to the credit union from hotel guests, as well as concern of GWCU members driving through hotel patron's pedestrian traffic. He said they do not feel it is a safe thing to do. He said the additional point of access would also disturb their "stacking lane" located on the east side of the property where the ATM and drive-thru are located. He said the other major concern is regarding potential hotel overflow parking into the credit union's parking lot. He said GWCU employees are rigidly trained that if there is a strange vehicle parked in the parking lot, they are to immediately call 911 to inspect the vehicle. He said recently, a person hid behind a parked car in a robbery that took place at a credit union. When the employee went in to the credit union, the person came out from behind the car. He said it is a concern for their employees, as well as for hotel patrons. He said he does not want to see 911 called on a hotel guest's vehicle. He said another concern is if a hotel guest is injured on the credit union's property due to ice, snow, or other incident. He said there is concern on where the liability lies if such an event were to occur. He feels there are many concerns with having a second access point between the credit union and hotel; he hopes something can be worked out.

Alex Leeman opened the public hearing at 7:31 p.m.

Gary DeJong, 763 N Main, said he owns the hayfields located just north of the proposed credit union. He said when Ascent came to the City, they extended the nice fence line that Hampton Inn has built between their property and his. He feels continuing that fence line would increase the overall look and provide an appropriate boundary between the properties. He asked that having the continued fence line be added as a condition to the motion.

Alex Leeman closed the public hearing at 7:33 p.m.

Connie Deianni said she has worked in the financial industry for many years, and she can support the comments made by the GWCU's representatives for not having a second point of access between the two properties. She said she agrees with all the reasons provided, but especially the hazard of vehicle traffic across the pedestrians' walkway. She feels cars would not slow down, and she believes it would be a real hazard for any pedestrians at the credit union or hotel. She said she does not see an additional access point between Ascent's building and the hotel; she does not see a reason to have an access between the credit union and hotel. She said she likes having access between two commercial properties, but she does not feel it is the best circumstance in this situation. She also said she did not see a fence line, as Mr. DeJong pointed out; she would like the fence to be continued. **Eric Anderson** said the applicant is proposing a fence, and it will match what has already been completed. **Eric Malmberg** concurred; he said the same fence line will be continued all the way down to Lagoon Dr. **Alex Leeman** asked if it needed to be added as an additional condition. **Eric Anderson** said it does not need to be added since it is part of the site plan already.

Kent Hinckley said he agrees with the concerns that have been shared regarding the second point of access. He said many years ago he was on the receiving end of a bank robbery, and the placement of the vehicle was imperative in the getaway. He said he is in favor of not having the second point of access between the two properties. He feels it makes more sense to leave the vehicle circulation as it has been proposed by the applicant for all reasons stated by the applicant.

Rebecca Wayment asked what is entailed in Hampton Inn's cross parking agreement, and is there any concerns from staff regarding requirements within that agreement. **David Petersen** said he was thinking that the applicant had not shown staff an agreement, and then he questioned what the conditions were for approval of the Farmington Fields Subdivision which created the Golden West lot. He was able to find the minutes with the approval on file; it was approved December 16, 2009 by the Planning Commission. The condition #2 of a 2-lot subdivision's approval states a reciprocal access easement be recorded with the plat allowing lots 4A and 4B access to and across the other within an approved site plan. The minutes also says Greg Bell states they will have a reciprocal access agreement and that they have recorded the cross access/cross parking agreement. **David Petersen** said he just talked to Dharmesh, the owner of the Hampton Inn, regarding this agreement. Dharmesh said he is unaware of any agreement. **David Petersen** said he wondered if the hotel is in violation of its subdivision approval from 2009 because they did not follow the Planning Commission's condition. He said he reviewed the plat, and there is an easement; however, it is all vague. He said due to UDOT's ROW, the hotel had to have an egress closer to the pink house. He said he feels the hotel meets the condition for approval with the additional access on the northwest side of the hotel. **David Petersen** clarified that although there is an easement, there is no agreement like was stated by Greg Bell. **Alex Leeman** added that when cross parking agreements or easements are done, it typically means the two business owners cannot tow each other's customers' cars when someone parks in the wrong spot.

David Petersen said over time, there has been a lot of talk that a restaurant would come into the parcel adjacent to the hotel. He said it would have been a guarantee that if a restaurant were to come into the parcel, there would be total access between the two parking lots. He also pointed out that peak times are different between the credit union and hotel, which would result in fewer concerns for unknown vehicles parked at the credit union and safety concerns for pedestrians. He said it is very unlikely that there will be a large barrier between the two properties, so even without an access easement, it is very likely credit union parking will still be used by hotel patrons. **David Petersen** said staff feels it would be very natural to have an access point, as there is always many good things to be said for connectivity.

Rebecca Wayment said she is unsure on if a cross easement parking should be required or not. She said she does not like it when she turns into a wrong parking lot, and it does not connect. She said she also understands the concerns presented by GWCU regarding safety. She said she feels the Hampton Inn is rarely at full capacity, so she does not see the credit union's parking lot being used as overflow. She said she also agrees with staff on providing connectivity. She feels providing some kind of pedestrian easement between the two properties may even help provide that connectivity staff is recommending.

Connie Deianni said she feels the current access points provided by the credit union and hotel are sufficient to allow vehicles easy access to get in and out without having to disregard the safety of credit union members or hotel patrons. She also said in her 30 years of experience in branch banking, it is standard procedure to call 911 if there is an unfamiliar vehicle parked outside. She said this can delay the bank opening and cause additional concerns dealing with police reports. She does not feel there is a good enough reason to allow a second access point. **Kent Hinckley** agreed; he feels an additional access point is better suited with businesses that are more compatible with each other. He said he does not see many people staying at the hotel needing to frequent the credit union, or the other way around. **Alex Leeman** said he is currently on the Board for another credit union, and said he can attest to the fact that credit unions detest strange cars in their parking lot. He said they also do not like the quick in and out of parking lots. He said he is also leaning away from requiring a second point of access between the two properties.

Motion:

Connie Deianni made a motion that the Planning Commission approve the conditional use and site plan subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. Lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light to neighboring properties;
2. Any signs proposed for the project must comply with the Farmington City Sign Ordinance. The sign plan shall indicate the location, height, and appearance of the signs upon the site and the effects upon parking, ingress/egress, and adjacent properties. Such signs shall be compatible with the character of the neighborhood;
3. The applicant must obtain all other applicable permits for the operation of the conditional use including but not limited to a business license from Farmington City, all health department regulations and all applicable building codes.

Kent Hinckley seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed use of the particular location is necessary and desirable and provides a service, which contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
6. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.

Item #4. Jason Hansen (Public Hearing) – Applicant is requesting conditional use permit for a secondary dwelling unit on 3.22 acres of property located at 1869 N. Bella Vista Drive in an LR-F (Large Residential – Foothill) zone. (C-15-17)

Eric Anderson showed the aerial view of the property. He said the applicant's lot is very large, but only a portion of the lot is used due to the lot's topography. He said the applicant is seeking approval for a secondary dwelling unit. He said it already exists; however, the applicant would like to make it official, which may require obtaining a building permit to amend some aspects of the secondary dwelling unit. He said once a conditional use permit is obtained, the applicant can then move forward on obtaining a building permit.

Jason Hansen, 1869 N. Bella Vista Dr., said he is seeking a conditional use permit for a living space under the garage, which has a bathroom, kitchen, etc. **Alex Leeman** asked if the secondary dwelling unit daylight out into the back of the home. **Jason Hansen** said yes, the living space does daylight out the back. He said Condition #4 references the utility metering, which they wanted to separate from the home to determine consumption. He said he was told by the power company that a

second meter would be permissible; however, he would like clarification on if it is allowed as per the City's building code. **Alex Leeman** said Rocky Mountain Power may be okay with a second meter, but it may not fit within the City's Ordinance. **David Petersen** said previous City Councils were concerned about secondary dwellings, which is why a second meter may be prohibited per the City's Ordinance. He said they were very concerned about homes turning into duplexes and apartments at the time, which was why secondary dwelling units (and the requirements surrounding them) were created. He suggested an update to the text may be wise to address this concern. **Eric Anderson** said prohibiting a second meter is part of the Zoning Ordinance; however, it will be addressed during the building permit process. **Alex Leeman** recommended that the applicant keep in touch with staff regarding the issue; if a proposal to amend the zone text needs to be made, staff can assist in the process.

Connie Deianni asked if the applicant plans to rent out the secondary dwelling unit, or if it will be used for family members, since the provided narrative stated "mother-in-law" apartment. **Jason Hansen** said since the time he submitted his application, he has learned the correct terminology is a secondary dwelling unit, which is not restricted to family members. He said he does not have any prospective renters at this time, but would like to keep that option open in the future. **David Petersen** said secondary dwelling units are permitted or conditional uses in all the zones on the east side of Farmington. He said the City Council did not want homes turning into duplex rentals, so it was required that the owner has to live on-site. City Council felt this was a good compromise at the time, and that it maintains pride of ownership in the home. **Eric Anderson** also clarified that secondary dwelling units are subordinate to the home, so they are not considered duplexes from that perspective as well. **Connie Deianni** asked if the secondary dwelling units can be rented. **Eric Anderson** said yes; however, the definition of secondary dwelling units, and what is allowed, has been recently amended through a zone text change to the Ordinance, bringing the Ordinance up to date.

Jason Hansen asked for clarification on allowing the second utility meter. **Eric Anderson** said the Commission will leave it up to the building official to determine the next step. He said it will come before the commission again if a zone text amendment needs to be done to address the issue. **Alex Leeman** clarified that the Commission cannot make an exception to the Ordinance, but must adhere to it.

Alex Leeman opened the public hearing at 7:59 p.m.

No comments were received.

Alex Leeman closed the public hearing at 7:59 p.m.

Kent Hinckley said the secondary dwelling unit requires one parking space in addition to what is required for the home. He asked if the applicant meets that requirement. **Eric Anderson** said yes, the requirement for a single-family home is two parking spaces; the applicant's home has a 3-car garage so the parking is sufficient. He also showed an aerial view of the property, which shows the home has a very large driveway that can also be used for the secondary dwelling unit's parking.

Connie Deianni asked if there are any additional fire safety requirements that must be added to the home if the property owners are renting a secondary dwelling unit. **David Petersen** said there is no additional fire safety requirements that are required in the building code.

Motion:

Rebecca Wayment made a motion that the Planning Commission approve the conditional use permit subject to all applicable Farmington City ordinances and development standards, and the

following condition: the applicant shall obtain all other applicable permits for the operation of the conditional use including but not limited to a building permit subject to all applicable building codes.

Kent Hinckley seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
2. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
3. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
4. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.
5. The proposed use will have to meet the standards for a main building in the LR zone, and cannot bring the existing home into non-compliance.

OTHER

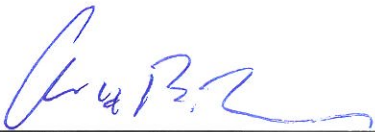
Item #5. Miscellaneous: a) Farmington Rock Discussion

David Petersen said staff complied a survey for the Planning Commission, the Historic Preservation Commission, and the City Council regarding historic homes in the community. He asked that the commission complete the survey and return it to staff for review.

ADJOURNMENT

Motion:

At 8:05 p.m., **Rebecca Wayment** made a motion to adjourn the meeting, which was unanimously approved.



Alex Leeman
Vice Chair, Farmington City Planning Commission